

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**DEFENDANT HMD GLOBAL OY'S ANSWER AND DEFENSES**  
**TO SOVEREIGN PEAK VENTURES, LLC'S**  
**COMPLAINT FOR PATENT INFRINGEMENT**

Defendant HMD Global Oy (“HMD Global”) hereby answers the complaint of Plaintiff Sovereign Peak Ventures, LLC (“SVP”). To the extent not explicitly admitted in the following numbered paragraphs, which correspond to the numbered paragraphs in the complaint, all allegations of the complaint are denied.

## **PARTIES**

1. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.
  2. Denied. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name.
  3. Denied. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name.

4. HMD Global admits that HMD Global Oy is a corporation organized and existing under the laws of Finland, with its principal place of business at Bertel Jungin aukio 9, 02600 Espoo, Finland. HMD Global denies any remaining allegations of this paragraph.

5. HMD Global admits that it is a manufacturer and seller of smartphones that distributes phones in the United States through the Florida corporation HMD America. Any remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

6. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

**JURISDICTION AND VENUE**

7. To the extent the allegations in this paragraph purport to describe or quote one or more documents, HMD Global states that those documents or webpages are the best source of their full content and context. Any remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

8. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

9. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. HMD Global admits that HMD Global Oy is a foreign corporation formed under the laws of Finland with a principal place of business in Finland. Any remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district. Otherwise, denied.

10. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

11. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. HMD Global admits that its website advertises Nokia-branded products. To the extent the allegations in this

paragraph purport to describe or quote one or more documents or webpages, HMD Global states that those documents or webpages are the best source of their full content and context. Any remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

12. HMD Global admits that it obtained registrations from the FCC. To the extent the allegations in this paragraph purport to describe or quote one or more documents or webpages, HMD Global states that those documents or webpages are the best source of their full content and context. Any remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any such allegations to which a response is required, HMD Global denies them, and specifically denies that it has committed acts of infringement in this district or any other district.

13. To the extent the allegations in this paragraph purport to describe or quote one or more documents or webpages, HMD Global states that those documents or webpages are the best source of their full content and context. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

14. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. To the extent the allegations in this paragraph purport to describe or quote one or more documents or webpages, HMD Global states that those documents or webpages are the best source of their full content

and context. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

**THE SOVEREIGN PEAK VENTURES PATENTS AND HOW HMD GLOBAL INFRINGES THEM**

15. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

16. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

17. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

18. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

**HMD Global Infringes U.S. Patent Nos. 8,902,871, 8357,441, and 10,039,144**

19. HMD Global admits that the face of the '871 patent indicates that it issued on December 2, 2014 and it is entitled "Wireless Base Station and Wireless Communication Terminal and Wireless Communication System." To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph.

20. No company named "HMD Global" exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

21. To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

22. To the extent the allegations in this paragraph purport to describe or quote information from a document, HMD Global states that the document is the best source of its full content and context. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

23. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

24. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

25. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

26. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

27. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

28. HMD Global admits that the face of the '441 patent indicates that it issued on May 31, 2016 and it is entitled "Wireless Base Station and Wireless Communication Terminal and Wireless Communication System." To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

29. No company named "HMD Global" exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

30. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

31. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

32. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

33. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

34. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

35. HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

36. HMD Global admits that the face of the '144 patent indicates that it issued on July 31, 2018 and it is entitled "Wireless Base Station and Wireless Communication Terminal and Wireless Communication System." To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

37. No company named "HMD Global" exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

38. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

39. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or

document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

40. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

41. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

42. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

43. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

44. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

45. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

**HMD Global Infringes U.S. Patent No. 9,620,282**

46. HMD Global admits that the face of the '282 patent indicates that it issued on April 11, 2017 and it is entitled "Noncontact connector apparatus and system using inductive coupling between coils." To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full

content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph.

47. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

48. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe any asserted claims.

49. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

50. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent

the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

51. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

52. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

53. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

54. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to

the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

55. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

56. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

57. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

58. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or

document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

**HMD Global Infringes U.S. Patent No. 10,468,913**

59. HMD Global admits that the face of the '913 patent indicates that it issued on November 5, 2019 and it is entitled "Electronic device including non-contact charging module." To the extent the allegations in this paragraph purport to describe or quote information from the patent, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent, and HMD Global denies any remaining allegations in this paragraph.

60. No company named "HMD Global" exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

61. No company named "HMD Global" exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content

and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

62. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

63. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

64. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe. To the extent the allegations in this paragraph purport to describe or quote

information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

65. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

66. To the extent the allegations in this paragraph purport to describe or quote information from the patent or another document, HMD Global states that the patent or document is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent or document. HMD Global lacks sufficient knowledge or information to either admit or deny the remaining allegations in this paragraph of the complaint, and therefore denies them.

#### **NATURE OF THE ACTION**

67. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD

Global denies them, and specifically denies that any accused products infringe any claims of the asserted patents.

**COUNT 1**  
**INFRINGEMENT OF U.S. PATENT NO. 9,620,282**

68. HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

69. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

70. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent.

71. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

72. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

73. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

74. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

75. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

76. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

77. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

78. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

79. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

80. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

**COUNT 2**  
**INFRINGEMENT OF U.S. PATENT NO. 10,468,913**

81. HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

82. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

83. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent.

84. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

85. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

86. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

87. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

88. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

89. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

90. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

91. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

92. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

93. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

**COUNT 3**  
**INFRINGEMENT OF U.S. PATENT NO. 8,902,871**

94. HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

95. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

96. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent.

97. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

98. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

99. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

100. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

101. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

102. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

103. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

104. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

105. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

106. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

**COUNT 4**  
**INFRINGEMENT OF U.S. PATENT NO. 9,357,441**

107. HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

108. HMD Global states that this allegation is duplicative of the prior allegation, and HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

109. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

110. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to

which a response is required, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent.

111. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

112. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

113. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

114. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

115. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

116. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

117. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

118. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

119. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

120. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

**COUNT 5**  
**INFRINGEMENT OF U.S. PATENT NO. 10,039,144**

121. HMD Global repeats and incorporates by reference, as if fully set forth herein, its answers to the allegations set forth above.

122. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global lacks sufficient knowledge or information to either admit or deny the allegations in this paragraph of the complaint, and therefore denies them.

123. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global states that the patent is the best source of its full content and context. HMD Global denies the allegations to the extent they do not accurately represent the patent.

124. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

125. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

126. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

127. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

128. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

129. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

130. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

131. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

132. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

133. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the

extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

134. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

**NOTICE**

135. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

136. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. HMD Global admits that it received correspondence from SPV on August 10, 2023, and admits that its response to that correspondence contained the phrase “to be clear, we will not open the below link you sent to us.” The remaining allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them, and specifically denies that any accused products infringe.

137. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

**NOTICE OF REQUIREMENT OF LITIGATION HOLD**

138. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

139. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

140. No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. The allegations in this paragraph set forth arguments and legal conclusions to which no response is required. To the extent this paragraph includes any other allegations to which a response is required, HMD Global denies them.

**DEMAND FOR JURY TRIAL**

No response is required to SPV’s demand for trial by jury. HMD Global separately requests a jury trial on each of its defenses.

**PRAYER FOR RELIEF**

No company named “HMD Global” exists in affiliation with HMD Global Oy, and HMD Global is not aware of any unaffiliated company with that name. HMD Global denies the underlying allegations of plaintiff’s requests for relief against HMD Global, and denies SPV is

entitled to any of the relief it requests. HMD Global requests that the Court deny all relief to plaintiff, enter judgment in favor of HMD Global, and award HMD Global its attorneys' fees as the prevailing party in the action.

#### **HMD GLOBAL'S DEFENSES**

HMD Global incorporates by reference the foregoing paragraphs in their entirety and asserts the following defenses in response to the allegations, included defenses set forth at 35 U.S.C. §282, undertaking the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated herein. In addition to the defenses described below, subject to its responses above, HMD Global specifically reserves all rights to allege additional defenses that become known through the course of discovery.

#### **FIRST DEFENSE** **(No Infringement)**

Based on a reasonable investigation into *inter alia* the allegations in the complaint, HMD Global does not infringe and has not infringed—directly, indirectly, literally, or under the doctrine of equivalents—any valid and enforceable claim of U.S. Patent Nos. 8,902,871, 9,357,441, 10,039,144, 9,620,282, and 10,468,913 (the “Asserted Patents” and each an “Asserted Patent”).

#### **SECOND DEFENSE** **(Invalidity)**

Based on a reasonable investigation into *inter alia* public filings, each asserted claim of the Asserted Patents is invalid for failure to comply with one or more requirements of the patent laws of the United States, including but not limited to 35 U.S.C. §§ 101 et seq., *e.g.*, 102, 103, and/or 112, and/or for otherwise being in violation of the sections of Parts I, II, and III of Title 35 of the United States Code.

**THIRD DEFENSE**  
**(Prosecution History Estoppel)**

Plaintiff is estopped from construing or interpreting any claims of the asserted patents in such a way as may cover and/or include, either literally or under the doctrine of equivalents, HMD Global's products, processes, services, and/or activities, and/or has waived any right to do so by reason of cancellation, limitation, or abandonment of claims, admissions, arguments, amendments, and/or representations made by or on behalf of the applicants in any proceedings before the United States Patent and Trademark Office.

**FOURTH DEFENSE**  
**(License and/or Exhaustion)**

SPV's claims for patent infringement are barred in whole or in part (i) to the extent that any allegedly infringing products or services are supplied, directly or indirectly, to HMD Global by any entities having express or implied licenses to the Asserted Patents, or by HMD Global to any entities having express or implied licenses to the Asserted Patents, and/or (iii) under the doctrine of patent exhaustion.

**FIFTH DEFENSE**  
**(Limitations on Damages and Costs)**

SPV's claims for damages for alleged infringement are limited by 35 U.S.C. §§ 286 and/or 287 and/or the doctrine of intervening rights, at least because SPV failed to provide adequate notice to Defendant of alleged infringement and are thus barred under 35 U.S.C. § 287 from recovering damages on one or more claims on dates prior to the date of the filing of this action. SPV is further barred by 35 U.S.C. § 288 from recovering any costs associated with this action. In addition, SPV is precluded from recovering damages for any alleged infringement occurring more than six years prior to the filing of this action pursuant to 35 U.S.C. § 286.

**SIXTH DEFENSE**  
**(Equitable Defenses)**

SPV's claims are barred in whole or in part under principles of equity, including but not limited to prosecution laches, delay, waiver, implied waiver, acquiescence, estoppel, and/or unclean hands.

**SEVENTH DEFENSE**  
**(SPV Cannot Prove Exceptional Case)**

SPV cannot prove that this is an exceptional case justifying an award of attorney's fees pursuant to 35 U.S.C. § 285.

**EIGHTH DEFENSE**  
**(No Willful Infringement)**

Plaintiff is not entitled to a finding of willful infringement with a corresponding increase in damages under 35 U.S.C. § 284.

**NINTH DEFENSE**  
**(Lack of Standing)**

Plaintiff lacks standing to bring this suit to the extent that Plaintiff and/or its predecessors-in-interest lacked sufficient chain of title to the asserted patents. In addition, Plaintiff lacks standing to bring this suit to the extent that Plaintiff lacks substantial rights to the asserted patents.

**RESERVATION OF RIGHTS**

HMD Global reserves all defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States and any other defenses, at law or in equity, which may now exist or in the future be available based on discovery, including all those identified in the answers of the other defendants in these joined cases. HMD Global reserves its rights to amend should it learn of additional defenses.

**REQUEST FOR RELIEF**

WHEREFORE, HMD Global respectfully requests that the Court:

- (A) Enter judgment that HMD Global does not infringe any claims of U.S. Patent Nos. 8,902,871, 9,357,441, 10,039,144, 9,620,282, and 10,468,913 literally and/or under the doctrine of equivalents;
- (B) Enter judgment that U.S. Patent Nos. 8,902,871, 9,357,441, 10,039,144, 9,620,282, and 10,468,913 are invalid;
- (C) Declare that this case is exceptional pursuant to 35 U.S.C. § 285; and
- (D) Award HMD Global its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Date: February 16, 2024

Respectfully submitted,

*/s/ Valerie Barker*

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*Attorneys for Defendant HMD Global Oy*

**CERTIFICATE OF SERVICE**

I certify that on February 16, 2024, I filed the foregoing document under Local Rule CV-5(a)(7) and served it on counsel of record through the Court's electronic filing system.

*/s/ Valerie Barker*  
\_\_\_\_\_  
Valerie Barker